IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 26905 of 1997

Dated 12th December, 2006

Between

Namburi Nagamma

…Petitioner

and

The Executive Officer,
Kamavarapukota Gram Panchayat,
Kamavarapukota, WG District.
…Respondent.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 26905 of 1997

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare the action of the respondent in trying to dispossess her from the land admeasuring Ac.2.25 cents covered by R.S.No. 795, situated in Kamavarapukota, West Godavari District as illegal.

In the affidavit filed in support of the Writ Petition, it is stated that the petitioner is the landless poor person and the said land was in possession of her late husband during his life time and she continued in possession. It is stated that the said land originally a rocky land, and unfit for cultivation, but, the same was developed with much dint of hardwork and labour, and Cashew-nut trees are grown in the said land. It is further stated that there are some other Cashew-nut gardens in the land of the grampanchayat, and notices were issued for

auctioning the leasehold rights. On the apprehension that the Cashew-nut garden raised by the petitioner would be included for disposal of the leasehold rights by way of public auction by the respondent-grampanchayat, this Writ Petition is filed. It is also stated that the land in question is a konda poramboke land and representations were made to the Mandal Revenue Officer for grant of assignment and the said applications are still pending consideration.

Though Writ Petition is of the year 1997, no counter affidavit is filed on behalf of the respondent-grampanchayat.

Though it is the apprehension of the petitioner that she will be deprived of possession of the land as otherwise than due process of law, but except apprehension, there is no other material to show that the respondent-grampanchayat is taking steps to auction the land which is in occupation of the petitioner also. As much as no counter affidavit is filed by the respondent in spite of service of notice, I dispose of the Writ Petition directing the respondent not to dispossess the petitioner from the land in question as otherwise than due process of law.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 12-12-2006.
Msnr.